

R E M A R K S

Claims 1-12 are currently pending in the application. Claims 9 and 10 are hereby cancelled. New claims 13-18 are presented for consideration.

Claims 1-8, 11 and 12 stand rejected under 35 USC §112 as allegedly failing to comply with the written description requirement. Applicant notes that the continuation-in-part application does provide clear support for the language noted with respect to claims 1, 4 and 11. For example, on page 15 at lines 12-18, it is described that there is no detectable change to the performance characteristics of the golf ball by reason of its continuous immersion within two days.

The upper range of 180 days is described, among other places, on page 16 in lines 1 and 2.

The word "sensing" has been changed to "detecting" to address the alleged problem with respect to claim 11.

Withdrawal of the rejection under 35 USC §112 is thus requested.

Claims 1-8, 11 and 12 stand rejected under 35 USC §103 as obvious over U.S. Patent No. 6,358,160 (Winskowicz). Reconsideration of the rejection of claims 1-8, 11 and 12, and favorable consideration of new claims 13-18 are requested.

Winskowicz describes in column 1 changes in characteristics of a conventional golf ball. Taken as accurate, for purposes of this action, Winskowicz describes that there is a "twelve (12) yard loss after three months and a fifteen (15) yard loss after six months" (at lines 32 and 33).

It is well known that a golf ball that loses but 15 yards of carry is still useable to play golf. Applicant submits that commonly golf balls are retrieved and resold after they have been immersed in water holes for three months, six months, or longer. Such a distance loss is not likely to be detectable by an average golfer. In any event, such a condition (loss of 12 yards) does not make the golf ball "impractical to use" as required in claims 1 and 4. These claims are thus believed allowable.

The remaining claims depend from either claims 1 or 4 and recite further significant limitations to further distinguish over Winskowicz.

For example, claims 8 and 12 establish the time period as greater than two days and less than seven days. Applicant would suggest that likely a conventional golf ball submerged for seven days would not have any changed characteristic that can be detected by even the most skilled golfer.

Reconsideration of the rejection of claims 1-8, 11 and 12, favorable consideration of new claims 13-18, and allowance of the case are requested.

Respectfully submitted,

By 
John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER
500 W. Madison St., Suite 3800
Chicago, IL 60661
(312) 876-1800

Date: Oct 10, 2005